

7 December 2018

Mr Ken Foxe
ken@righttoknow.ie

Re: FOI Request - FOI/P189/2018

Dear Mr Foxe

I refer to your request of 14 November 2018 made under the Freedom of Information Act, 2014 where you sought records in relation to:

"- copies of any records discussing whether the government would continue to publish details of pensions paid to former officeholders, ministers, etc due to concerns over GDPR. This request to cover period 1 January 2018 to date of receipt of this request.

Searches of any relevant private email addresses and/or messaging services should be considered when processing this request."

I, as the Deciding Officer, have now made a final decision to part grant your request on 7 December 2018.

This letter explains the response to your FOI request in the following parts:

1. A schedule of all of the records covered by your request;
2. A statement of how you can appeal this decision should you wish to do so.

1. Schedule of records

A schedule is enclosed with this letter which shows the documents that the Department of Public Expenditure and Reform considers relevant to your request.

2. Rights of appeal

Under the FOI Acts, I am required to inform you that if you are not satisfied with this decision you may appeal in writing to the Freedom of Information Unit, Department of Public Expenditure and Reform, Upper Merrion Street, Dublin 2. You must make this appeal within four weeks from the date of this notification (the making of a late appeal may be allowed in certain circumstances). The appeal process, which is known as internal review, will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

The decision on the internal review will be given within 3 weeks of receipt of your letter. Please note that there is a fee of €30 for making an appeal or €20 for medical card holders. The fee, which should accompany your appeal, can be paid by way of electronic fund transfer to the Accountant, Department of Public Expenditure and Reform.

Publication

All non-personal FOI requests will be recorded on an FOI disclosure log which will be published on the Department of Public Expenditure and Reform website in due course.

Should you wish to discuss this matter further please do not hesitate to contact me on (01) 604-██████ or by email at ████████████████████

Yours sincerely,

A black rectangular redaction box covering the signature of Helen Codd.

Helen Codd
Corporate Support Unit

FOI Reference: - FOI-189-2018

Schedule of Records: Summary of Decision Making

Record No	Date of Record	Brief description	No. of page(s)	Decision: Grant/Part Grant/Refuse	Section of Act if Applicable	Record Edited/Identify Deletions
1	29/06/2018	Email from DFIN Compliance Officer to DPER Corporate Office	1	Part Grant	Section 37(1)	Personal Information
2	10/07/2018	Email from DFIN Exchequer Section to DFIN Compliance Officer and DPER Corporate Office	2	Part Grant	Section 37(1)	Personal Information
3	10/07/2018	Email from DPER Corporate Office to DFIN Exchequer Section	2	Part Grant	Section 37(1)	Personal Information
4	10/07/2018	Email from DFIN Exchequer Section to DPER Corporate Office	3	Part Grant	Section 37(1)	Personal Information
5	17/07/2018	Email from DFIN Exchequer Section to DFIN Compliance Officer and DPER Corporate Office	3	Part Grant	Section 37(1)	Personal Information
6	17/07/2018	Email from DPER Corporate Office to DFIN Compliance Officer	4	Part Grant	Section 37(1)	Personal Information
7	18/07/2018	Email from DPER Corporate Office to DPER Legal Adviser	1	Refuse	Section 31 (1) (a)	Legal Professional Privilege
8	18/07/2018	Email from DPER Legal Adviser to DPER Corporate	2	Refuse	Section 31 (1) (a)	Legal Professional Privilege

		Office				
9	18/07/2018	Email from DFIN Exchequer Section to DFIN Exchequer	4	Part Grant	Section 37(1)	Personal Information
10	18/07/2018	Email from DFIN Exchequer Section to DFIN Compliance Section	6	Part Grant	Section 37(1)	Personal Information
11	06/11/2018	Email from DPER Press Office to DPER Corporate Office	2	Part Grant	Section 37(1)	Personal Information
12	06/11/2018	Email from DPER Press Office to DPER Corporate Office	8	Part Grant	Section 37(1)	Personal Information

Signed

 (Deciding Officer)

Date

7/12/2018

Helen Codd

From: Colm O'Neill
Sent: 29 June 2018 10:11
To: Helen Codd
Cc: Finance Compliance Officer; David Feeney; Finance Compliance Officer; Benny Molloy; Karen Cullen; Mary McSharry
Subject: GDPR - publication of pension amounts to former office holders on DFIN website

Hi Helen

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<https://www.finance.gov.ie/wp-content/uploads/2017/07/Finance-Accounts-2016-Statement-1.4-Pensions-paid-to-Former-Constitutional-Ministerial-and-Judicial-Office-Holders.pdf>

I understand that DPER is the controller of this information and the D/Fin processes the data (i.e. publishes this information). As such, article 28 of the GDPR refers.

Appreciate if we could have a chat about this publication given that it identifies individuals – I'm not aware of the legal basis for processing this personal data. Even if the names of the individuals were anonymised, it wouldn't be that difficult to identify the former office holders if compared with last year's publication.

I'm at meetings most of this morning but will catch you later.

Thanks

Regards

Colm

Colm O'Neill | Head of Compliance / Data Protection Officer | Department of Finance, Government Buildings, Upper Merrion Street, Dublin 2 DO2 R583 |

Direct: [REDACTED]

Mobile: [REDACTED]

Website: www.finance.gov.ie



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Sent: 10 July 2018 15:45
To: Colm O'Neill; Helen Codd
Cc: Finance Compliance Officer; David Feeney; Finance Compliance Officer; Karen Cullen; Mary McSharry
Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Colm, Helen,

Any update on this for me?

Benny Molloy | Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]

Website: www.finance.gov.ie



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Cc: Finance Compliance Officer <[REDACTED]>; David Feeney <[REDACTED]>

Finance Compliance Officer <[REDACTED]>; Benny Molloy <[REDACTED]>

Karen Cullen <[REDACTED]>; Mary McSharry <[REDACTED]>

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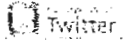
Colm

Colm O'Neill | Head of Compliance / Data Protection Officer | Department of Finance, Government Buildings, Upper Merrion Street, Dublin 2 D02 R583 |

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Helen Codd

From: Helen Codd
Sent: 10 July 2018 15:51
To: Benny Molloy; Colm O'Neill
Cc: Finance Compliance Officer; David Feeney; Finance Compliance Officer; Karen Cullen; Mary McSharry
Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Benny

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Colm – maybe we could try and catch a few minutes in the morning on this – you might let me know your availability after which we can get back to Benny.

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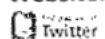
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Benny Molloy | Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]
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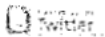
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Thanks folks.

Benny Molloy | Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

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From: Colm O'Neill

Sent: 29 June 2018 10:11

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Cc: Finance Compliance Officer [REDACTED]; David Feeney [REDACTED];

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Helen Codd

From: Benny Molloy
Sent: 17 July 2018 17:01
To: Helen Codd; Colm O'Neill
Cc: Finance Compliance Officer; David Feeney; Finance Compliance Officer; Karen Cullen; Mary McSharry
Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Helen, Colm,

Any final decision on this for me? How does it reconcile to FOI legislation where the information would normally be releasable?

My understanding is that Jimmy McMeel forwarded AG's advice to Colm on this issue some years ago - do we now need similar advice?

Benny Molloy |Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]

Website: www.finance.gov.ie



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Sent: 10 July 2018 15:45
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Cc: Finance Compliance Officer [REDACTED] David Feeney [REDACTED]
Finance Compliance Officer [REDACTED] Karen Cullen [REDACTED] Mary
McSharry <[REDACTED]>
Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Colm, Helen,

Any update on this for me?

Benny Molloy | Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]

Website: www.finance.gov.ie

Twitter: [REDACTED]

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From: Colm O'Neill
Sent: 29 June 2018 10:11
To: Helen Codd [REDACTED]
Cc: Finance Compliance Officer [REDACTED] David Feeney [REDACTED]
Finance Compliance Officer <[REDACTED]> Benny Molloy [REDACTED]
Karen Cullen <[REDACTED]> Mary McSharry [REDACTED]
Subject: GDPR - publication of pension amounts to former office holders on DFIN website

Hi Helen

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I understand that DPER is the controller of this information and the D/Fin processes the data (i.e. publishes this information). As such, article 28 of the GDPR refers.

Appreciate if we could have a chat about this publication given that it identifies individuals – I'm not aware of the legal basis for processing this personal data. Even if the names of the individuals were anonymised, it wouldn't be that difficult to identify the former office holders if compared with last year's publication.

I'm at meetings most of this morning but will catch you later.

Thanks

Regards


Colm

Colm O'Neill | Head of Compliance / Data Protection Officer | Department of Finance, Government Buildings, Upper Merrion Street, Dublin 2 DO2 R583 |

Direct:

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6

Helen Codd

From: Helen Codd
Sent: 17 July 2018 18:55
To: Finance Compliance Officer
Cc: David Feeney; Karen Cullen; Mary McSharry; Colm O'Neill; Benny Molloy; Edward Kearney
Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Muireann

Colm emailed me on 29 June regarding this advising that he wanted to talk about same. He advised that day that he was tied up in meetings that morning and would contact me later in the day.

On 10 July I indicated that my initial view would be that unless someone could identify a lawful basis to publish the data it shouldn't be published and anything up already should be removed.

Additionally I asked Colm if we could try and catch a few minutes on the 11 July to discuss. I asked Colm to let me know his availability for the 11 July after which we could get back to Benny but I have not heard anything since.

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If someone can let me have a copy of the legal advice previously supplied to Colm, I will have a look at that and discuss with the legal adviser and get back to you all.

Regards
Helen

From: Finance Compliance Officer
Sent: 17 July 2018 17:28
To: Helen Codd <[REDACTED]>
Cc: Finance Compliance Officer <[REDACTED]>; David Feeney <[REDACTED]>; Finance Compliance Officer <[REDACTED]>; Karen Cullen <[REDACTED]>; Mary McSharry <[REDACTED]>; Colm O'Neill <[REDACTED]>; Benny Molloy <[REDACTED]>; Edward Kearney <[REDACTED]>
Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Hi Helen,

I am aware that Colm sent an email to you on this matter before he went on leave (returning 30th July).

In the meantime, if at all possible, it would be very helpful if you could give Benny a further update. .

Many thanks

Muireann .

From: Benny Molloy
Sent: 17 July 2018 17:01
To: Helen Codd [REDACTED]; Colm O'Neill [REDACTED]
Cc: Finance Compliance Officer [REDACTED]; David Feeney [REDACTED]
Finance Compliance Officer [REDACTED]; Karen Cullen <[REDACTED]> Mary
McSharry <[REDACTED]>
Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Helen, Colm,

Any final decision on this for me? How does it reconcile to FOI legislation where the information would normally be releasable?

My understanding is that Jimmy McMeel forwarded AG's advice to Colm on this issue some years ago - do we now need similar advice?

Benny Molloy | Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]

Website: www.finance.gov.ie

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From: Helen Codd
Sent: 10 July 2018 15:51
To: Benny Molloy [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Benny

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Colm – maybe we could try and catch a few minutes in the morning on this – you might let me know your availability after which we can get back to Benny.

Regards
Helen

From: Benny Molloy
Sent: 10 July 2018 15:45
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[REDACTED]
[REDACTED]
[REDACTED]
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Benny Molloy |Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

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From: Colm O'Neill

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[REDACTED]
[REDACTED]
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Colm O'Neill | Head of Compliance / Data Protection Officer | Department of Finance, Government Buildings, Upper Merrion Street, Dublin 2 DO2 R583 |

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Helen Codd

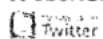
From: Benny Molloy
Sent: 18 July 2018 09:25
To: Jimmy McMeel
Cc: Helen Codd; Muireann McGarry; David Feeney; Karen Cullen; Mary McSharry; Colm O'Neill; Edward Kearney
Subject: FW: GDPR - publication of pension amounts to former office holders on DFIN website

Jimmy,

Do you have a copy of the previous legal advice on the publication of the pensions data that I could forward to Helen?

Benny Molloy |Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]
Website: www.finance.gov.ie



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From: Helen Codd
Sent: 17 July 2018 18:55
To: Finance Compliance Officer [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

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[REDACTED]
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From: Helen Codd
Sent: 10 July 2018 15:51
To: Benny Molloy [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

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Regards

Colm

Colm O'Neill | Head of Compliance / Data Protection Officer | Department of Finance, Government Buildings, Upper Merrion Street, Dublin 2 D02 R583 | [REDACTED]

Direct: [REDACTED]

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Helen Codd

From: Benny Molloy
Sent: 18 July 2018 14:58
To: Karen Cullen; Jimmy McMeel
Cc: Helen Codd; Muireann McGarry; David Feeney; Mary McSharry; Colm O'Neill; Edward Kearney
Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

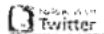
Karen,

I thought he was due back 30th July? Our intention, as flagged to the Secretary General and the Minister was to publish the Finance Accounts and related material on 27th. I can hold off publishing the pensions material until such stage as we know where we stand vis a vis GDPR.

Benny Molloy | Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

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From: Karen Cullen
Sent: 18 July 2018 14:55
To: Jimmy McMeel [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Subject: Re: GDPR - publication of pension amounts to former office holders on DFIN website

Benny

Colm is on annual leave at the moment but is due back next week. He has the DP qualifications and I'd like to speak to him next week on this. Can it wait til then?

Regards

Karen Cullen
 Department of Finance
 tel [REDACTED]

----- Original Message -----

From: Jimmy McMeel <Jimmy.McMeel@finance.gov.ie>

Date: Wed, 18 Jul 2018, 14:52

To: Benny Molloy [REDACTED]

CC: Helen Codd [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

I should have also said that while the advice concerned FOI the data protection dimension, in so far as it is referred to, was the previous regime i.e. before the EU's directly applicable GDPR came in to being.

Jimmy

From: Jimmy McMeel

Sent: 18 July 2018 09:56

To: Benny Molloy [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Benny

The advice (attached) was in the context of an FOI request re T&S – not pensions

Jimmy

From: Benny Molloy

Sent: 18 July 2018 09:25

To: Jimmy McMeel [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: FW: GDPR - publication of pension amounts to former office holders on DFIN website

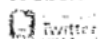
Jimmy,

Do you have a copy of the previous legal advice on the publication of the pensions data that I could forward to Helen?

Benny Molloy | Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]

Website: www.finance.gov.ie



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Níomhghost seo b' do Níomhghost faoi. Tá sé seo faoi deara go bhfeadfaí an Níomhghost seo agus an fhoras a bhí ann faoi réir tarracháin an a eistilint de bhun an Achtá um Shocrúil Faisnéise

From: Helen Codd

Sent: 17 July 2018 18:55

To: Finance Compliance Officer [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Muireann

Colm emailed me on 29 June regarding this advising that he wanted to talk about same. He advised that day that he was tied up in meetings that morning and would contact me later in the day.

On 10 July I indicated that my initial view would be that unless someone could identify a lawful basis to publish the data it shouldn't be published and anything up already should be removed.

Additionally I asked Colm if we could try and catch a few minutes on the 11 July to discuss. I asked Colm to let me know his availability for the 11 July after which we could get back to Benny but I have not heard anything since.

I haven't seen the legal advice previously provided to Colm regarding FOI to which Benny refers, this might be useful. It may be that legal advice would be required but again as I stated on 10 July, while there may well be a lawful basis to process the data, unless someone can identify a lawful basis to publish or valid reason to publish I would be wary to do so. What applied before 25 May and what applies now are two very different things.

If someone can let me have a copy of the legal advice previously supplied to Colm, I will have a look at that and discuss with the legal adviser and get back to you all.

Regards

Helen

From: Finance Compliance Officer

Sent: 17 July 2018 17:28

To: Helen Codd [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Hi Helen,

I am aware that Colm sent an email to you on this matter before he went on leave (returning 30th July).

In the meantime, if at all possible, it would be very helpful if you could give Benny a further update. .

Many thanks

Muireann .

From: Benny Molloy

Sent: 17 July 2018 17:01

To: Helen Codd [REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Helen, Colm,

Any final decision on this for me? How does it reconcile to FOI legislation where the information would normally be releasable?

My understanding is that Jimmy McMeel forwarded AG's advice to Colm on this issue some years ago - do we now need similar advice?

Benny Molloy | Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]

Website: www.finance.gov.ie

[REDACTED]

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From: Helen Codd

Sent: 10 July 2018 15:51

To: Benny Molloy [REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Benny

Colm and I haven't had a chance to catch up on this yet – will try to do so in the morning. My initial view would be that unless someone can identify a lawful basis to publish the data it shouldn't be published and anything up already should be removed.

Colm – maybe we could try and catch a few minutes in the morning on this – you might let me know your availability after which we can get back to Benny.

Regards

Helen

From: Benny Molloy

Sent: 10 July 2018 15:45

To: Colm O'Neill [REDACTED]

[REDACTED]
Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Colm, Helen,

Any update on this for me?

Benny Molloy |Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]

Website: www.finance.gov.ie

 **Twitter**

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From: Colm O'Neill

Sent: 29 June 2018 10:11

To: Helen Codd [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: GDPR - publication of pension amounts to former office holders on DFIN website

Hi Helen

It has been brought to my attention by the Department's Accounts/Exchequer/PMG Section that the D/Finance publishes the information (which contains personal data) contained in this link on its website.

<https://www.finance.gov.ie/wp-content/uploads/2017/07/Finance-Accounts-2016-Statement-1.4-Pensions-paid-to-Former-Constitutional-Ministerial-and-Judicial-Office-Holders.pdf>

I understand that DPER is the controller of this information and the D/Fin processes the data (i.e. publishes this information). As such, article 28 of the GDPR refers.

Appreciate if we could have a chat about this publication given that it identifies individuals – I'm not aware of the legal basis for processing this personal data. Even if the names of the individuals were anonymised, it wouldn't be that difficult to identify the former office holders if compared with last year's publication.

I'm at meetings most of this morning but will catch you later.

Thanks

Regards

Colm

Colm O'Neill | Head of Compliance / Data Protection Officer | Department of Finance, Government Buildings, Upper Merrion Street, Dublin 2 DO2 R583 |

Direct:

Mobile:

Website: www.finance.gov.ie

 Twitter

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Helen Codd

From: Claire Godkin
Sent: 06 November 2018 09:49
To: Helen Codd
Subject: FW: Finance Accounts 2017 and associated material
Attachments: FINANCE ACCOUNTS 2017 - FINAL.pdf; Finance Accounts - Statement 1.6 - Party Leaders Allowances 2017.pdf; Exchequer Statement December 2017.pdf

Hi Helen,

See below in red.

Claire Godkin
Press Officer
Government Buildings
Upper Merrion Street
Dublin 2
D02 R583

Tel: [REDACTED]
Mobile: [REDACTED]
Email: claire.Godkin@per.gov.ie



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An Roinn Caiteachais
Phoiblí agus Athchóirithe
Department of Public
Expenditure and Reform

From: Brian Meenan
Sent: 06 November 2018 09:46
To: Claire Godkin [REDACTED]
Subject: FW: Finance Accounts 2017 and associated material

Brian Meenan | Press Office | Department of Finance, Merrion Street, Dublin 2 | D02 R583

Direct: [REDACTED]
Email: pressoffice@finance.gov.ie
Website: www.finance.gov.ie

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Tá an fhaisnéis atá sa rianphost seo faoi rún agus is don fhaighteoir dá na faighteoirí beo roinne é agus éilíod sin amháin. Ní bfuil an faighteoir beo roinne, ní bfuil an faighteoir beo roinne seo ná don chúla d'úsáid, a nochtán, a chloí, a dháileadh nó a choinneáil. Sa chás gur tri eamóir a fuair tu an rianphost seo, tabhair fógra dom faoi seach faoi sin agus scríob gach cópá den

riomhphost seo á dea riomhphost (i.e. Tá baint faoi deora go bhféadfadh an riomhphost seo agus don fhreagra a bhaineann aici réir larraidh ar a eisiúint de bhun an Acht um Sáróil Faisnéise

From: Benny Molloy
Sent: 27 July 2018 15:28
To: Brian Meenan [REDACTED]

Subject: Finance Accounts 2017 and associated material

Brian,

Please find attached the following for publication on the website this evening, as agreed on Wednesday:

1. Finance Accounts 2017. An Irish version (Cuntais Airgeadais 2017) will follow very shortly – just finalising the checking of the translation.
2. Statement 1.6 – Annual Allowances payable to Parliamentary Leaders in 2017.
3. Revised Exchequer Statement as at end December 2017 which takes account of changes made during audit of the National Debt Account and the Finance Accounts 2016. Can you please place this revised Exchequer Statement where the original end 2017 Exchequer Statement and related material is published?

With regard to the material on Statement 1.4 (Payments to former Constitutional, Ministerial and Judicial Office Holders) which we have released in previous years, we have been advised by Department of Public Expenditure and Reform that as the information constitutes personal data, that is, the relevant office holders are identified or identifiable, the material should not be published and therefore I am not including that information this year.

Any questions on this element of the material should be addressed to Dept. Public Expenditure and Reform.

If you have any questions on any of the attached please let me know.

Benny Molloy / Accounts/Exchequer/PMG Banking / Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 /

Direct: [REDACTED]

Website: www.finance.gov.ie



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Helen Codd

From: Claire Godkin
Sent: 06 November 2018 10:04
To: Helen Codd
Subject: FW: GDPR - publication of pension amounts to former office holders on DFIN website

Hi Helen,

Finance just sent me this email trail. Your advice to them is down the bottom. Just wanted to see the reason as an LQ note is in train on this.

Regards,
Claire Godkin
Press Officer
 Government Buildings
 Upper Merrion Street
 Dublin 2
 D02 R583

Tel: [REDACTED]
 Mobile: [REDACTED]
 Email: [REDACTED]

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**An Roinn Caiteachais
 Phoiblí agus Athchóirithe**
**Department of Public
 Expenditure and Reform**

From: Brian Meenan
Sent: 06 November 2018 10:02
To: Claire Godkin [REDACTED]
Subject: FW: GDPR - publication of pension amounts to former office holders on DFIN website

Brian Meenan | Press Office | Department of Finance, Merrion Street, Dublin 2 | D02 R583

Direct : [REDACTED]
Email: pressoffice@finance.gov.ie
Website: www.finance.gov.ie

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an t-éideadh ná a choinneáil. Sa chás gur ní earráid a fuair tuas níomhphost seo, tabhair fógra do m'údarreach faoi sin agus scríob gach cá a d'ar níomhphost seo ó do níomhphost (y). Tabhair faoi deara go bhfeidfidh an níomhphost seo agus an freagra ar pherth faoi reitiamadh an a eisáilint de dhun an Áchar um Shaothrú Faisneise

From: Edel Harte

Sent: 06 November 2018 09:58

To: Brian Meenan [REDACTED]

Subject: FW: GDPR - publication of pension amounts to former office holders on DFIN website

Hi Brian,

Please find attached the email from Helen Codd in DPER providing details on the legal advice sought on statement 1.4.

Regards

Edel

From: Jimmy McMeel

Sent: 06 November 2018 09:53

To: Edel Harte [REDACTED]

Subject: FW: GDPR - publication of pension amounts to former office holders on DFIN website

From: Helen Codd

Sent: 20 July 2018 15:44

To: Benny Molloy [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Good afternoon Benny

Further to our telephone conversation on Wednesday 18 July I sought advice from our own in house legal adviser. Like me he is of the view that if the information constitutes personal data that is, if the relevant office holders are identified or identifiable then he agrees that the material should not be published as a matter of routine by yourselves in the Department of Finance.

Bearing that in mind I, as Data Protection Officer in DPER, would appreciate if the practice of issuing this material with the Finance Accounts as a matter of routine ceases with immediate effect.

As indicated on the phone when we last spoke if any journalist subsequently seeks the relevant information under an FOI request that can be dealt with appropriately at that time.

Kind Regards

Helen

Helen Codd

Data Protection Officer

Department of Public Expenditure and Reform

Room 1.23 Government Buildings

Merrion Street

helen.codd@per.gov.ie

Tel- [REDACTED]

From: Benny Molloy
Sent: 18 July 2018 14:58
To: Karen Cullen [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Karen,

I thought he was due back 30th July? Our intention, as flagged to the Secretary General and the Minister was to publish the Finance Accounts and related material on 27th. I can hold off publishing the pensions material until such stage as we know where we stand vis a vis GDPR.

Benny Molloy |Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]

Website: www.finance.gov.ie



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From: Karen Cullen
Sent: 18 July 2018 14:55
To: Jimmy McMeel [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Re: GDPR - publication of pension amounts to former office holders on DFIN website

Benny

Colm is on annual leave at the moment but is due back next week. He has the DP qualifications and I'd like to speak to him next week on this. Can it wait til then?

Regards

Karen Cullen
Department of Finance
tel [REDACTED]

----- Original Message -----

From: Jimmy McMeel [REDACTED]
Date: Wed, 18 Jul 2018, 14:52
To: Benny Molloy [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

I should have also said that while the advice concerned FOI the data protection dimension, in so far as it is referred to, was the previous regime i.e. before the EU's directly applicable GDPR came in to being.

Jimmy

From: Jimmy McMeel
Sent: 18 July 2018 09:56
To: Benny Molloy [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Benny

The advice (attached) was in the context of an FOI request re T&S – not pensions

Jimmy

From: Benny Molloy
Sent: 18 July 2018 09:25
To: Jimmy McMeel [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: FW: GDPR - publication of pension amounts to former office holders on DFIN website

Jimmy,

Do you have a copy of the previous legal advice on the publication of the pensions data that I could forward to Helen?

Benny Molloy |Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]
Website: www.finance.gov.ie

[REDACTED] Twitter

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From: Helen Codd

Sent: 17 July 2018 18:55

To: Finance Compliance Officer [REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Muireann

Colm emailed me on 29 June regarding this advising that he wanted to talk about same. He advised that day that he was tied up in meetings that morning and would contact me later in the day.

On 10 July I indicated that my initial view would be that unless someone could identify a lawful basis to publish the data it shouldn't be published and anything up already should be removed.

Additionally I asked Colm if we could try and catch a few minutes on the 11 July to discuss. I asked Colm to let me know his availability for the 11 July after which we could get back to Benny but I have not heard anything since.

I haven't seen the legal advice previously provided to Colm regarding FOI to which Benny refers, this might be useful. It may be that legal advice would be required but again as I stated on 10 July, while there may well be a lawful basis to process the data, unless someone can identify a lawful basis to publish or valid reason to publish I would be wary to do so. What applied before 25 May and what applies now are two very different things.

If someone can let me have a copy of the legal advice previously supplied to Colm, I will have a look at that and discuss with the legal adviser and get back to you all.

Regards
Helen

From: Finance Compliance Officer

Sent: 17 July 2018 17:28

To: Helen Codd [REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Hi Helen,

I am aware that Colm sent an email to you on this matter before he went on leave (returning 30th July).

In the meantime, if at all possible, it would be very helpful if you could give Benny a further update. .

Many thanks

Muireann .

From: Benny Molloy
Sent: 17 July 2018 17:01
To: Helen Codd [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Helen, Colm,

Any final decision on this for me? How does it reconcile to FOI legislation where the information would normally be releasable?

My understanding is that Jimmy McMeel forwarded AG's advice to Colm on this issue some years ago - do we now need similar advice?

Benny Molloy | Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]

Website: www.finance.gov.ie



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From: Helen Codd
Sent: 10 July 2018 15:51
To: Benny Molloy [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Benny

Colm and I haven't had a chance to catch up on this yet – will try to do so in the morning. My initial view would be that unless someone can identify a lawful basis to publish the data it shouldn't be published and anything up already should be removed.

Colm – maybe we could try and catch a few minutes in the morning on this –you might let me know your availability after which we can get back to Benny.

Regards
Helen

From: Benny Molloy
Sent: 10 July 2018 15:45
To: Colm O'Neill <[REDACTED]> Helen Codd [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: GDPR - publication of pension amounts to former office holders on DFIN website

Colm, Helen,

Any update on this for me?

Benny Molloy |Accounts/Exchequer/PMG Banking | Department of Finance, Unit 2, Central Business Park, Clonminch Rd, Tullamore Co. Offaly R35W7A4 |

Direct: [REDACTED]

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[REDACTED]

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From: Colm O'Neill

Sent: 29 June 2018 10:11

To: Helen Codd [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: GDPR - publication of pension amounts to former office holders on DFIN website

Hi Helen

It has been brought to my attention by the Department's Accounts/Exchequer/PMG Section that the D/Finance publishes the information (which contains personal data) contained in this link on its website.

<https://www.finance.gov.ie/wp-content/uploads/2017/07/Finance-Accounts-2016-Statement-1.4-Pensions-paid-to-Former-Constitutional-Ministerial-and-Judicial-Office-Holders.pdf>

I understand that DPER is the controller of this information and the D/Fin processes the data (i.e. publishes this information). As such, article 28 of the GDPR refers.

Appreciate if we could have a chat about this publication given that it identifies individuals – I'm not aware of the legal basis for processing this personal data. Even if the names of the individuals were anonymised, it wouldn't be that difficult to identify the former office holders if compared with last year's publication.

I'm at meetings most of this morning but will catch you later.

Thanks

Regards

Colm

Colm O'Neill | Head of Compliance / Data Protection Officer | Department of Finance, Government Buildings, Upper Merrion Street, Dublin 2 DO2 R583 |

Direct:

Mobile:

Website: www.finance.gov.ie



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